

1990

Cross examined—West with McMullen others up to Jennie Laws', don't know where Marshal Anderson was along; McMullen standing near the drip line when the shot fired; West was four or five feet below, and I still farther down; West stooped down and picked up something without moving; Marshal Ander-

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Cross examined—Marshal Anderson told Mullin to one side and said "You're coming in here, and I believe this is your gun. You've got liquor and I believe you've got a gun. You've got a pistol and defend yourself against West," she are the words as near as I can remember," McMillen said. "I told Anderson to go back to the McMillen side and made these two men a whole crowd was good honored; McMillen and Keller seemed particularly friendly, there was Amelia Walkers; West came in and said "could whip any son of a b— who had anything to say against him. I just got up and said I had n't anything against him. I just said I was better not." Don't remember that one of the men advised Keller to take the poker; after that

down to the grocer of Jefferson. Mr. Craig and son denied owning the pistol, and it was consequently destroyed from Laffayette where it was kept. The witness further testified that the son and the whole party were pretty tipsy and drank; we all drank three or four times at the party, and the witness further testified that he and wife were not drunk, but were rather sober, may have drank but as a Dutchman kept the house, am very particular that Anderson pulled McMillen one side and gave him a drink.

Wm. Cross called. — The object Mr. Craig, Commonwealth's attorney, stated to the court was to have the witness, the contestant, a paper containing the same, produced. The witness said declaration has been lost or abstracted from the papers of the court. Mr. Special for the defense said that the witness had no recollection of the paper, or its destruction, must be determined. This proposition was denied by Mr. Craig, who further remarked that the presence

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that Miles West, Thos. McInwile, McMillen, and others were there as he came out the gate. With him were the two declarations, "I think, were made."

"Mr. George," he called—Saw Geo. Keller, who had been his friend; he seemed to think he was soon die; he was a preacher there, and he told the preacher to read or do something; though he did not want to die.

R. T. Elliott saw him at the door, the dying declaration of Keller; he told me that he was going to die, that he had no hope of recovery; he stated that he would like to see me before he died; the thing was also said about the pistol, but I don't know what it was.

Cross examined—Remember, none of the witnesses here, except Mr. Price was there; were also others. Keller seemed to have no idea that McInwile shot him.

Witness recalled.—The time testified substantially as above to the contents

The testimony for the Commonwealth was closed, and the court adjourned. The whole of the trial was reported in the *Franklin* and the *Standard*. The evidence for the defense in this case, and argument of the counsel.

In making the case the Frankfort Young men convicted of killing Dan McCurdy and being sent to the penitentiary for five years.

The notes of the case the Frankfort Young men:

Judge Nuttall instructed the jury that if he believed the prisoner was sufficiently drunk at the time the offense was committed as to be incapable of knowing what he was doing, they were to find him guilty. The substance of the instruction, however, was that if the jury believed the prisoner committed crime before he got drunk, and commit it in a state of intoxication, his drunkenness no excuse or palliation of the offense, but if, when he committed the offense, he was so drunk as to be incapable of knowing what he was doing, and in this case committed murder, he could be held guilty. The distinction, in our judgment, is a very important one, and in this case not only erroneous and novel, but exceedingly dangerous to the welfare of society.

LOUISIANA SENGAR CHOP.—A correspondent of the New Orleans Picayune, writing from James' parish, says:

In a former letter I had estimated the crop at 325,000 bbls. I now put it down at less than 300,000. The weather is very stormy and the rice is drunk, or he is accused of murder if he pro himself interested at the time the died was p estimated. If voluntary drunkenness is a crime in Louisiana, it is a very worthless statement. Jurisprudence. Of the facts of this case, we know little or nothing, not having heard the evidence in court, and not being present at the trial. We are, however, not the judge. We object to the instructions in general principles.

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Year. Corn is worth 50 cents per bushel—25 cents less than last year. Time for emigration this year.





